

Section 255 Telecommunications Access For People with Disabilities

FCC Consumer Facts

Background

The Federal Communications Commission (FCC) has rules requiring telecommunications manufacturers and service providers to make their products and services accessible to people with disabilities, if readily achievable. These rules implement Section 255 of the Communications Act. Where it is not readily achievable to provide access, Section 255 requires manufacturers and providers to make their devices and services compatible with peripheral devices and specialized customer premises equipment that are commonly used by people with disabilities, if such compatibility is readily achievable.

Products and Services Covered Under Section 255

The FCC's rules cover all hardware and software telephone network equipment and customer premises equipment (CPE). CPE is telecommunications equipment used in the home or office (or other premises) to originate, route, or terminate telecommunications. Examples of CPE are telephones, fax machines, answering machines, and pagers. CPE that provides both telecommunications and non-telecommunications functions is covered only to the extent it provides telecommunications functions.

The FCC's rules cover basic and special telecommunications services, including regular telephone calls, call waiting, speed dialing, call forwarding, computer-provided directory assistance, call monitoring, caller identification, call tracing, and repeat dialing. In addition, the new rules cover interactive voice response (IVR) systems and voice mail. IVR systems are phone systems that provide callers with menus of choices.

Definitions

1. Accessible:

A product or service is accessible if it provides accessible input, control, and mechanical functions, as well as accessible output, display and control functions. For example, a pager that has both audio and visual controls for inputting information, as well as both audio and visual methods for retrieving messages, would be accessible to a person who is blind or deaf.

2. Usable:

The requirement for a product or service to be usable by people with disabilities covers the ability of people with disabilities to learn about and operate an item's features effectively. This includes providing access to information and documentation for the product or service, including instructions and user guides. In addition, companies must provide functionally equivalent access to support services, such as technical support hotlines and databases, call centers, service centers, access to repair services, and billing services.

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3. Compatible:

The FCC's rules explain that where it is not readily achievable to make a particular product or service accessible, that product or service must be made compatible with peripheral devices or specialized customer premises equipment (SCPE), if compatibility is readily achievable. Peripheral devices are devices that help make telecommunications products and services accessible to individuals with disabilities. Examples are TTYs, visual signaling devices, and amplifiers.

SCPE includes equipment, commonly used at the premises of a person with a disability, to achieve access in the origination, routing, or termination of calls and other telecommunications contacts. Direct-connect TTYs (TTYs that connect directly to the telephone network) are considered to be SCPE. Assistive technology devices, such as hearing aids or eyeglasses, that have a broad application outside the telecommunications context are not themselves peripheral equipment or SCPE even if they are used in conjunction with peripheral equipment or SCPE. The rules contain the following requirements to achieve compatibility:

- External electronic access to all information and control mechanisms;
- A connection point for external audio processing devices;
- The ability to connect with TTYs; and
- The ability to use TTY signals.

Identifying Access Needs

Companies should engage in a number of activities to identify barriers to accessibility and usability. For example:

- Where the company conducts market research, product design, testing, pilot demonstrations and product trials, it should include individuals with disabilities in target populations of such activities;
- Companies should work cooperatively with disability-related organizations; and
- Companies should undertake reasonable efforts to test access solutions with people with disabilities.

FREQUENTLY ASKED QUESTIONS

When Must Manufacturers and Service Providers Evaluate Access Needs?

Manufacturers and service providers must evaluate the accessibility, usability and compatibility of their equipment and services as early and consistently as possible throughout their design, development, and fabrication processes. In addition, companies must review their products for accessibility at every "natural opportunity," including when they re-design products, upgrade services, or significantly change the way they group together product and service packages. Cosmetic changes that do not change the product's actual design, such as changes in the color, make, model name or designation of a product, and may not trigger the need to reevaluate access.



Do Companies Need to Review All of Their Products and Services for Accessibility and Usability?

Features that can be incorporated into the design of products or services with very little or no difficulty or expense must be put in each and every product. It may, in some instances, be readily achievable to incorporate some access features into some products and services, but not in all. In these instances, companies have the flexibility to distribute those features across product or service lines, so long as they do all that is readily achievable.

How Will the FCC Determine Which Actions are Readily Achievable?

The “readily achievable” standard requires companies to incorporate access features that are easily accomplishable without much difficulty or expense. In determining what is readily achievable, companies must balance the costs and nature of the access required with their available resources. Companies that have great resources will need to do more to achieve access than will companies with smaller budgets. The FCC will make readily achievable determinations on a case-by-case basis. A company may not need to provide access when the access feature would so fundamentally alter the product that it would substantially reduce the functionality of the product, make some features unusable, substantially impede or deter use of the product by other individuals, or substantially and materially alter the shape, size or weight of the product. Similarly, a company does not have to incorporate an access feature that is not technically possible. Companies wishing to use these defenses, however, must provide evidence to back up their positions.

Is Network Architecture Covered by the FCC’s Section 255 Rules?

In addition to covering equipment and services, the Commission’s rules require network architecture to be designed in a way that does not hinder access by people with disabilities. Network architecture covers the public switched network, and includes hardware or software databases associated with routing telecommunications services in our nation.

How Can Consumers File a Section 255 Complaint with the FCC?

Although Section 255 does not permit consumers to file Section 255 complaints in the federal courts, consumers may file informal or formal Section 255 complaints with the FCC. You may send the complaint to the FCC, Consumer and Governmental Affairs Bureau, 445 12th Street, SW, Washington, DC 20554. In addition to sending a letter, informal complaints may be given to the FCC by any reasonable means, including fax 202-418-0232; phone 1-888-CALL-FCC (1-888-225-5322) voice or 1-888-TELL-FCC (1-888-835-5322) TTY; e-mail fccinfo@fcc.gov; the Internet www.fcc.gov/cgb/complaints.html.

Although there is no time limit for filing complaints, consumers should try to file shortly after they discover the access problem. Informal complaints should include the following information:

- Name and address of the person complaining;
- Name and address of the manufacturer or service provider;



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- Details about the equipment or service about which the complaint is made;
- Date the equipment or service was purchased, acquired or used, or the complainant attempted to purchase, acquire, or use the item;
- Statement of facts supporting the allegation that the item is not accessible;
- The specific relief requested; and
- The complainant's preferred method of response (from the company) - e.g., letter, fax, TTY, Braille, etc.

If a consumer wishes to file a formal complaint, he or she must (1) certify that a good faith effort has been made to work out the problem with the company and (2) submit detailed, factual, and legal documents in support of his or her position.

The FCC has the authority to impose a variety of penalties against companies that do not comply with Section 255, including damages (against common carriers only), license revocations, cease and desist orders, and retrofitting in extreme cases. A company required to retrofit a product would need to go back and make the product accessible to people with disabilities.

Is There a Way for Consumers to Contact Manufacturers and Service Providers about Access Concerns?

Although not required to do so, consumers may wish to first contact a manufacturer or service provider before bringing a complaint to the FCC. Under the FCC's rules, manufacturers and service providers have provided the FCC with contact information for the individuals and offices within their companies that are responsible for handling accessibility concerns and grievances. Consumers can find this contact information on the FCC's Disability Rights Office Web site at www.fcc.gov/cgb/dro/section255.html.

Where to Go For Additional Information and Assistance

For further information about Section 255 or other disability issues, please visit the FCC's Consumer & Governmental Affairs Bureau at www.fcc.gov/cgb.

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For this or any other consumer publication in an accessible format (electronic ASCII text, Braille, large print, or audio), please write or call us at the address or phone number below, or send an e-mail to FCC504@fcc.gov.

To receive information on this and other FCC consumer topics through the Commission's electronic subscriber service, click on www.fcc.gov/cgb/emailservice.html.

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